

1 IN THE UNITED STATES DISTRICT COURT

2 WESTERN DISTRICT OF TEXAS

3 EL PASO DIVISION

4

5 UNITED STATES OF AMERICA No. EP:10-CR-2213-KC

6 v. El Paso, Texas

7 RAMON RENTERIA May 21, 2012

8

9 JURY TRIAL

10 OPENING STATEMENT BY GOVERNMENT

11 BEFORE THE HONORABLE KATHLEEN CARDONE

12 UNITED STATES DISTRICT JUDGE

13

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4 Proceedings recorded by stenotype. Transcript produced by  
5 computer-aided transcription.

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1 (Government opening statement.)

2 MR. SKARET: Thank you, Your Honor. Good morning,  
3 Ladies and Gentlemen. Prison riots, walking the yard,  
4 controlling the yard, gang treaties, and gang wars. Gang  
5 symbols, tattoos, the number 21, Aztec culture and hand signs.  
6 Drugs, dealing drugs, doing drugs, smuggling drugs into  
7 prisoners, smuggling them across the border into the United  
8 States, into El Paso and beyond. Heroin, cocaine, and  
9 marijuana. Kilograms, ounces and dime bags. Extortion,  
10 quotas, street tax and cash money. Gang members, ex-members,  
11 soldiers, esquina, prospectos, sergeants, lieutenants and  
12 captains; five captains. Violence in the street. Violence  
13 behind bars. Beatings, broken arms, broken legs, guns, rifles  
14 pistolas, knives and shanks and murder.

15 This is the Barrio Azteca. And we expect the evidence  
16 in this trial to show that the Barrio Azteca, or simply the BA,  
17 is a ruthless, violent and organized gang with largely one  
18 goal, power. Power in prison and power on the street.  
19 Hundreds, if not thousands, of hardened men, young and old,  
20 serving time in the United States and in Mexican jails and on  
21 the streets of these two countries have joined the Barrio  
22 Azteca. They follow Barrio Azteca rules. They rise through  
23 the ranks. They do the business of the Barrio Azteca. And  
24 they have sworn ultimate allegiance to the BA family which  
25 takes priority over all other things, including God, country,

1 parents, wife and children.

2 So what gives the Barrio Azteca this power? Well,  
3 you'll here that this is a gang that relies on strict rules to  
4 enforce its structure. And those rules are brutally enforced.  
5 You will hear when those rules are broken, the Barrio Azteca  
6 does not hesitate to handout what they call a calentada.  
7 Serious beatings. Or with gravy, a really serious beating.  
8 And when the BA determines someone is an enemy, they put that  
9 person on their hit list. They issue the green light. Their  
10 orders of violence are sometimes general. Give him a  
11 calentada. Sometimes more specific. Break his ribs. And  
12 sometimes deadly. Kill him.

13 The BA maintains its power through drug trafficking.  
14 You will hear that through treaties with the Juarez drug cartel  
15 they buy heroin, cocaine and marijuana at the source in Mexico.  
16 The BA sells in Mexico. They smuggle drugs into the United  
17 States. They sell to dealers and users on our streets. They  
18 also smuggle the drugs into U.S. and Mexican prisons. And you  
19 will hear that having drugs in prison is power. Having money  
20 in prison is power. And the BA has a lot of power.

21 They maintain some of this power through extorsion.  
22 These are the guys that charge drug dealers money in order to  
23 sell drugs on the Barrio Azteca turf. That money is put into  
24 what they call a BA bank. And the money is used to pay for BA  
25 expenses and sent to the BA in prison. Perhaps, most

1 importantly, the Barrio Azteca thrives on a complicated web of  
2 communication. Because the gang operates on the street and in  
3 prison, the gang must rely on communication to enforce its  
4 dictates and to communicate on the street.

5 The BA in prison smuggles cell phones into prisons to  
6 direct everything that's going on in the free world. And when  
7 they're not on the phone, they're writing letters, coded  
8 letters. You will see in this case how a BA letter that  
9 doesn't make sense to you and me amounts to a death sentence to  
10 a man who lived right here in El Paso.

11 To maintain power the BA needs strong leaders. And  
12 you will hear that this organized -- organization is led by  
13 five men, five captains. Or, as they're called, five capos,  
14 who rule the U.S. prison system and the streets of El Paso from  
15 the confines of their cell or from their secrecy and anonymity  
16 of the street. These are the five men that have the final say  
17 about who's in and out, who's getting promoted, who gets  
18 demoted. And in some cases who lives and who dies.

19 Captain number one, Benjamin Alvarez. Convicted in  
20 2008 right here in El Paso of racketeering. Sentenced to life.  
21 Currently behind bars at the ADX super maximum in Florence,  
22 Colorado. Captain number two, Manuel Cardoza, also known as  
23 Tolon. Convicted right here in El Paso in 2008 on racketeering  
24 charges. Currently behind bars at Texas Department of  
25 Corrections where he's serving a fifty-year sentence for

1       murder. When he's done with that sentence, he will serve his  
2       federal sentence on the racketeering charge. Tolon is in  
3       charge of the BA's operations in Texas state prisons.

4                   Captain number three, Carlos Pereyra. An individual  
5       who goes by the name Shotgun. Also convicted here in El Paso  
6       in 2008 of racketeering and sentenced to life. He served the  
7       last couple years of his sentence at a prison in Pollock,  
8       Louisiana. It's called U.S. Penitentiary Pollock. Recently,  
9       he was transferred to the U.S. penitentiary in Florence,  
10      Colorado.

11                  Captain number four, Eduardo Ravelo, who also goes by  
12      Tablas. Ravelo is an FBI top ten most wanted fugitive. You  
13      will hear he runs all operations for the BA in Mexico. So  
14      that's three BA captains serving life here in the United  
15      States. And there's one capo who's on the run in Mexico and  
16      taking charge of the Mexican operations. But there's one more  
17      captain. There's one more leader. And that is exactly why  
18      we're here today.

19                  The judge introduced you to the defendant as a man  
20      named Ramon Renteria. And you will learn the name that he goes  
21      by in the Barrio Azteca. You will learn the name that he is  
22      known by in prison and on the streets. And that name is Spook  
23      or Spooky.

24                  Ladies and Gentlemen, this is the fifth captain of the  
25      Barrio Azteca. The evidence will show that the defendant

1 joined the Barrio Azteca, that he ruthlessly proved himself in  
2 jail, that he coordinated BA business while he was behind bars,  
3 that he directed drug trafficking on the streets while he was  
4 confined in his prison cell. And when he got out of the jail,  
5 he became a captain. He ordered beatings on the street. He  
6 took charge of the BA's bank and started funneling money to the  
7 BA's leaders in prison. He ordered a drive-by shooting in El  
8 Paso. He participated in serious violence, including a  
9 stabbing right here in El Paso. And he coordinated drug  
10 trafficking with the BA brotherhood in Juarez. And speaking of  
11 Juarez, as soon as he got out of prison, he got real tight with  
12 the BA leaders down there. And he got a walkie-talkie to  
13 communicate down south.

14 So this is Spooky. If there's any doubt about his BA  
15 nickname, you will see it tattooed right here on the back of  
16 his arm. Spook. And if there's any doubt about the  
17 organization that he leads, you will see it in bold ink across  
18 his stomach. Azteca.

19 So you may be thinking, how does someone like Spooky  
20 rise to the top? How do you become a captain of the BA? Well,  
21 it's not unlike other things in life, I suppose. You've got to  
22 know people and prove yourself. Well, proving yourself and  
23 knowing the right people have gone hand in hand for Spooky for  
24 many years. He proved in 2003 when he was incarcerated in New  
25 York obeying a BA order and brutally stabbing and enemy of the

1 BA. That stabbing gave Spooky the instant credibility in  
2 prison and on the streets and gave him the opportunity to rise  
3 up in the ranks.

4                   You will also hear that he knew the right people.  
5 Because after that stabbing, he got sent to the U.S.  
6 penitentiary in Pollock, Louisiana. And there he was cellmates  
7 with Captain Shotgun. For years he served as his right-hand  
8 man. You will hear that Shotgun gave the orders. And Spooky  
9 made them happen. In fact, the two were so tight, and you will  
10 see this in this case, that Spooky tattooed a portrait of  
11 Shotgun's face on his own arm. You see, Shotgun was in for  
12 life. And he was grooming Spooky for a life of leadership on  
13 the streets. Shotgun blessed Spooky. First, giving him rank  
14 of sergeant and then lieutenant and ultimately crowning him  
15 captain.

16                   You will hear the captain is the ultimate rank of the  
17 BA. That's as high as you get. No colonels, generals, just  
18 five ruling captains. And you will hear what it means to be  
19 captain. It means power. When he hit the streets in September  
20 of 2010, he took control of the gang's operations in El Paso.  
21 You are going to hear that the gang was structured. But the  
22 gang separated El Paso into five sections, Central, Northeast,  
23 Eastside, Lower Valley and the Westside. And each of those  
24 sections had their own leader. And each leader reported to a  
25 sergeant who was in charge of El Paso at that time.

1                   And when Spooky took charge, who did the El Paso  
2 leader report to? The captain, of course. Spooky. Who began  
3 to coordinate with Juarez? Spooky. Who gave all the orders to  
4 the El Paso leaders? Spooky. Who was in charge? Spooky. And  
5 Spooky's why we're here today.

6                   My name is Brian Skaret. And with me on the case are  
7 prosecutors Joseph Cooley and George Leal. Also, at the  
8 prosecution table is FBI Special Agent Samantha Mikeska and  
9 paralegal Jeffrey Keogh. Two additional case agents that are  
10 on this case are sitting in the front row, Jim Krieger on the  
11 right and Gregory Waterson on the left.

12                  It's our responsibility to present this case to you on  
13 behalf of the United States of America. And when we're done,  
14 you are going to have all the evidence you need to convict this  
15 man of his crimes beyond a reasonable doubt.

16                  The United States is prosecuting Ramon Renteria for  
17 four criminal charges. And I would like to talk to you briefly  
18 about those charges. Before I go any further though, I have to  
19 make abundantly clear that the judge is totally in charge of  
20 instructing you on the law. After you've heard all the  
21 evidence in this case, she will instruct you on the law and go  
22 through the crimes element by element. But I'd like to just  
23 discuss a few of the things that the United States has to prove  
24 in this case so you will be able to keep in mind some of those  
25 things as you listen to the evidence.

1                   The first crime that the defendant was charged with is  
2 that he conspired with others to commit racketeering. One of  
3 the things with respect to racketeering that the United States  
4 must prove in this case is the existence of an enterprise.  
5 That's the legal term. Enterprise.

6                   An enterprise is basically an association or group of  
7 individuals who work together to achieve a common goal or  
8 purpose. And here we're going to prove that that enterprise  
9 was actually a gang. That it was actually the Barrio Azteca  
10 gang. And you're going to learn over the course of this trial  
11 that the BA had structure. A structure that lasted over time.  
12 And a structure that provided for individuals to step into the  
13 shoes of other individuals that fall out of favor with the BA.  
14 And in this way the enterprise continues year after year after  
15 year.

16                   You're going hear about the purpose of this  
17 enterprise, that the BA's purpose was to make money by selling  
18 drugs to control their territory and to dominate in prison and  
19 on the street. You're also going to hear about the crimes  
20 committed in the name of the Barrio Azteca. Things like drug  
21 importation, drug distribution, extortion, violence, witness  
22 intimidation and murder. So we have to show you that the BA is  
23 an enterprise. Of course, we also have to show you how the  
24 defendant is linked to that enterprise. Well, you're going to  
25 hear in this case that the defendant has been a member of the

1 Barrio Azteca for many, many years. You are going to hear that  
2 he wasn't afraid to engage in enterprise and business, that he  
3 rose through the ranks and ultimately led the organization.

4 The second crime that the defendant is charged with,  
5 is conspiracy to commit -- conspiracy to distribute heroin,  
6 cocaine and marijuana in the United States. You are going to  
7 hear that Barrio Azteca members and as a whole possess and sell  
8 drugs, a lot of drugs. And everybody in the organization knows  
9 what everybody else is doing because they're all doing the same  
10 thing.

11 All over El Paso and West Texas the Barrio Azteca is  
12 possessing drugs and selling drugs. And you will hear in this  
13 case how the defendant knew about that, participated in it, and  
14 benefited from it. That leads us to the third crime.

15 Conspiracy to import heroin into the United States.

16 You're going to hear all about how the Barrio Azteca  
17 imports heroin to the United States and Mexico. You will hear  
18 about the alliances that they have formed with the Juarez drug  
19 cartel. You will hear how they bring the heroin into the  
20 United States, how much and how they smuggle it. And you will  
21 hear how this defendant knew about it, how he participated in  
22 it and benefited from it.

23 Finally, the defendant is charged with conspiring with  
24 others to commit money laundering. You're going to hear that  
25 the Barrio Azteca makes a lot of money selling drugs. They

1 also make money through their extorsion program. That is  
2 charging drug dealers a certain amount of money which they call  
3 a quota in order to sell on their turf. But you're also going  
4 to hear what the BA does with that. They don't declare it.  
5 They don't pay taxes on it. They send it to BA leaders who are  
6 locked up in jail. And you're going to hear that's money  
7 laundering. They're disguising the source of the money and  
8 sending it on to further the criminal enterprise. And you will  
9 hear how the defendant personally benefited from this program,  
10 how he participated in it by taking up the BA bank when he got  
11 out of jail and sent off the money to BA leaders in jail.

12 So how are we going to tell you the story about the  
13 defendant and his organization? What's the evidence that we're  
14 going to provide you so you can put the story together for  
15 yourselves? Well, you're going to have the opportunity to see  
16 many different types of evidence and hear from a wide ranging  
17 group of witnesses.

18 First, the physical evidence. This is the stuff that  
19 you can hold, feel. Over the years the FBI has accumulated  
20 physical evidence to prove that the Barrio Azteca actually  
21 exists. You're gonna see lists of rosters, detailed listings  
22 of BAs in prison. Sectional rosters, like one from the west  
23 side, which show who's -- who's doing their job, who's not  
24 doing their job, who's in good standing and who isn't.  
25 Pictures of gangsters in prison flashing their signs, on the

1 streets posing.

2 You will see things like gang treaties the gang  
3 entered into with others. And you will see the copy of the  
4 sacred rules that all Barrio Azteca must abide by. You will  
5 see things that the BA needs in order to engage in its drug  
6 trafficking. Things like phones, lots and lots of phones.  
7 Scales to weigh their drugs. Drug ledgers which record their  
8 drug sales, drug wrappings. You will see all of these things.  
9 And you will see the drugs themselves.

10 You will also see how the Barrio Azteca hides its  
11 drugs. Car tires that have been slit so drugs can be placed  
12 into the tires and smuggled across the border. You'll see  
13 bottles of lotion that hide heroin. Books that have heroin  
14 stuffed in the backs of their bindings. You're gonna to see  
15 evidence of the BA's extorsion and their money laundering  
16 program. Lists of who has paid the street tax. Lists of who  
17 hadn't. Thousands of dollars seized. Receipts of money orders  
18 sent to BA leaders in prison. And records of that extorsion  
19 money going straight into the commissary accounts of leaders in  
20 prison, including the defendant.

21 And you will see evidence of the BA's ruthless  
22 enforcement of their rules, pages and pages of hit lists.  
23 These are people that have disobeyed Barrio Azteca rules and  
24 are now on a list to get killed. You will be shocked at how  
25 long that list is. And you will see that this just -- isn't

1 just some game. We're going to show you some of the BA's guns  
2 and ammunition that were found on the street right here in El  
3 Paso and on the west side in New Mexico.

4 In addition to the things that you can touch and hold,  
5 we're gonna present recordings of BA leaders who are conducting  
6 their business on the phone. You see the FBI got authorization  
7 from the Court to listen to and to record the calls of a few  
8 cell phones of BA members and leaders. Two of those phones  
9 belonged to leaders in jail. One, Shotgun's phone in Pollock,  
10 Louisiana. The second belonged to Hector Galindo, who is a BA  
11 lieutenant in Texas.

12 You're gonna hear some of those calls from those  
13 recordings. Calls relating to drug trafficking, money  
14 laundering, the chain of command and punishments for  
15 disobedience. Calls relating to Spooky and his role in taking  
16 over all of El Paso. And you will here Spooky's voice as well.  
17 You will hear him answering Shotgun's phone. You will hear him  
18 order a leader in El Paso to redirect a shipment of drugs they  
19 were trying to smuggle into Pollock's prison. You will here  
20 Spooky make a call from prison to coordinate with the BA in  
21 Juarez, Mexico.

22 So you will see the physical evidence. You will hear  
23 some recordings. You are also going to hear from some law  
24 enforcement agents regarding the case, including FBI Special  
25 Agent Samantha Mikeska. She's going to summarize the

1 investigation of the Barrio Azteca and tell you how she and the  
2 rest of the FBI obtained cell phone recordings and where the  
3 physical evidence came from. You will also hear from El Paso  
4 County Police Detective Andy Sanchez.

5 Detective Sanchez is a gang expert. He's been living  
6 and breathing the Barrio Azteca for years. And he's going to  
7 help you understand the evidence as it relates to the  
8 enterprise and as it relates to the defendant. Finally, and  
9 most importantly, you are going to hear all about the Barrio  
10 Azteca and Spooky's leadership of the Barrio Azteca from people  
11 on the inside of the organization. Because police detectives  
12 and FBI special agents can only shed so much light on an  
13 organization that so highly values secrecy and loyalty.

14 You're going to hear about the Barrio Azteca from  
15 members and former leaders of the gang. These are the  
16 insiders. They are in the best position to provide evidence of  
17 exactly what's going on in a world that is so foreign to so  
18 many. These are the cooperators. Men who are in prison and  
19 have now decided to turn their back on the Barrio Azteca and  
20 all that it stands for in order to cooperate with the United  
21 States.

22 These cooperators are going to tell you the inside  
23 story of the Barrio Azteca. You will hear from a former leader  
24 of El Paso. Mid-level leaders. You will hear from low-level  
25 BA soldiers. One of Spooky's cellmates that spent long time in

1 Pollock, Louisiana with him and with Shotgun. You will learn  
2 from these men that the Barrio Azteca is an enterprise. And  
3 you will learn from them that Spooky was their leader. But you  
4 must remember, these particular cooperating witnesses are not  
5 exactly model citizens; far from it. These are criminals.

6 They're the exact same men who entered into the same  
7 conspiracies and worked in the same enterprise as the  
8 defendant, Ramon Renteria. But, they're going to come into  
9 this courtroom. They're going to take an oath and tell you  
10 what happened. They're going to cooperate. So why would they  
11 do that? Why would these men cooperate? Well, they all have  
12 their individual reasons. And you will hear some of those.  
13 But if we get right down to it, the majority of them want a  
14 break in the sentence. For the men locked up they're hoping  
15 that this is a way to get out early. They're hoping that by  
16 testifying truthfully that some day a prosecutor like myself or  
17 Mr. Cooley or Mr. Leal, will go before a judge and request a  
18 decrease in their sentence. Some are serving just a few years.  
19 Others, 20, 25 years and even life imprisonment.

20 But as you will hear, they have agreements with the  
21 United States. And they understand that their only hope of  
22 ever getting a reduction in sentence is by testifying  
23 truthfully before you over the next couple days. Even then, a  
24 reduction in their sentence is completely in the hands of a  
25 federal judge.

1                   Now, the judge is going to tell you that you need to  
2 evaluate their testimony very carefully. They're testifying.  
3 Testifying in order to benefit themselves. You will not be  
4 asked to blindly accept their word for everything that  
5 happened. What they say will be backed up through other pieces  
6 of evidence through the testimony of other cooperators, through  
7 testimony of other agents by the physical evidence and the wire  
8 recordings that you are going to hear.

9                   So if you wait until the end of the case, and you  
10 compare their testimony to all of the other pieces of evidence  
11 that come in, you will find that that they will be checked out.  
12 They will be supported. They will be confirmed.

13                   At the end of this trial after hearing all of the  
14 witnesses and seeing all of the evidence, it will be clear to  
15 you that the Barrio Azteca is a violent enterprise that uses  
16 criminals act to achieve power on the streets and in prison.  
17 It will be clear to you that Spooky is one of their leaders, a  
18 captain, no less. And his grip on BA power is strong indeed.

19                   Not afraid to prove himself, he brutally stabbed a BA  
20 enemy. He stood at Shotgun's right-hand side in prison for  
21 years. He received sergeant stripes, lieutenant bars and  
22 ultimately crowned captain. When he hit the streets, he seized  
23 the opportunity and ran with his newly granted power, which was  
24 his right. And, the defendant, this man sitting right here  
25 with his attorney, told the BA leadership in Juarez that he

1 approved of BA teams from Juarez coming here coming to this  
2 town to commit murder in the name of the Barrio Azteca.

3 At the end of this trial, Mr. Leal and Mr. Cooley are  
4 going to stand up and ask you to find that the defendant Ramon  
5 Renteria is guilty. And, at that time, you will know that the  
6 charges are valid. And that there's a really good reason why  
7 he's here today. And that he is guilty. Thank you very much,  
8 Your Honor.

11 (End of requested statement.)

17 I certify that the foregoing is a correct transcript  
18 from the record of proceedings in the above-entitled matter. I  
19 further certify that the transcript fees and format comply with  
20 those prescribed by the Court and the Judicial Conference of  
21 the United States.

23 Signature: /s/ Date: June 3, 2013  
David A. Perez, RMR, RPR